



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION

I, Allan Tameshtit, Ph.D., hereby declare the following:

1.) I am the professional assigned to the case involving Applicants Guerman Pasmanik and Larissa Tiour, and have first hand information about several of the facts surrounding this case. I am currently employed with BERESKIN & PARR, Toronto, Canada, Canadian Agents for the Applicants.

2.) I caused to be filed a U.S. patent application on the invention entitled:

SYSTEM AND METHOD FOR VIEWING MICRO-MARKINGS ON JEWELRY
AND OTHER OBJECTS

the specification of which was filed on March 3, 2004 as Application No. 10/790,845.

3.) I also caused to be filed concurrently with the U.S. patent application a Canadian patent application on the same invention entitled:

SYSTEM AND METHOD FOR VIEWING MICRO-MARKINGS ON JEWELRY
AND OTHER OBJECTS

the specification of which was filed on March 3, 2004 as Application No. 2459496.

4.) I hereby state that to my knowledge the subject matter disclosed in the Canadian patent application was not under a secrecy order at the time it was filed in Canada, and is not currently under a secrecy order.

5.) At the time of filing the U.S and Canadian patent applications concurrently on March 3, 2004, I believed that the inventive activities of the Applicants occurred in Canada. This belief was based on some or all of the following facts, supported by the accompanying corroborative material:

(a) On or prior to March 3, 2004, the Applicants provided a Canadian address for Passat, Ltd., where, to my knowledge, co-inventor Guerman Pasmanik is President and where co-inventor Larissa Tiour works (*see Exhibit A: facsimile messages received from Applicants, dated February 20, 2004 and February 27, 2004, having a Toronto address for Passat; see Exhibit B: three invoices #580333, 580335, 585382, with fees redacted, sent to Applicants at Passat in Toronto*);

- (b) On or prior to March 3, 2004, the Applicants provided a Toronto address for co-inventor Guerman Pasmanik (*see* Exhibit C: a copy of an application data sheet that accompanied the U.S. patent application);
- (c) On or prior to March 3, 2004, the Applicants provided a Toronto address for co-inventor Larissa Tiour (*see* Exhibit C);
- (d) On or prior to March 3, 2004, the Applicants told me that co-inventor Guerman Pasmanik is a Canadian citizen (*see* Exhibit C);
- (e) On or prior to March 3, 2004, the Applicants provided a Toronto area cell phone number for Guerman Pasmanik, which I have used on a number of occasions to contact Guerman Pasmanik (cell phone number 416-878-1945);
- (f) All meetings (approximately four in number) with the Applicants, in which at least Guerman Pasmanik was present, occurred in my Toronto law office;
- (g) Facsimile messages to Guerman Pasmanik on 7/31/03 and 8/1/03 were sent to a Toronto fax number (*see* Exhibit D);
- (h) New Client Name and Address Information Sheet lists Guerman Pasmanik of Passat, Toronto for billing attention (*see* Exhibit E); and
- (i) Email sent to me by Guerman Pasmanik on August 11, 2003 lists a Toronto address for Passat (*see* Exhibit F).
- 6.) During a conversation on December 1, 2004 and on February 5, 2005 with Guerman Pasmanik, I was told that although some of the inventive activity of Guerman occurred in Canada, most of the inventive activity of Guerman Pasmanik occurred in the U.S. The inventive activity of Larissa Tiour occurred in Canada.
- 7.) After just recently discovering that some of the inventive activity of co-inventor Guerman Pasmanik may have occurred in the U.S., I diligently applied for a retroactive foreign filing license supported by this declaration.
- 8.) As evidenced by the facts and materials set forth above, the Canadian patent application was filed in error and without deceptive intent.

Because it is unclear whether a foreign filing license is required in this case, I wish to be conservative and request a retroactive foreign filing license.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title XVIII of the United States Code and that such willful false statements may jeopardize the validity of this Application for Patent or any patent issuing thereon.

By A. Jameshtit
Allan Tameshtit
BERESKIN & PARR
40 King Street West, 40th Floor
Toronto, Ontario M5H 3Y2
Canada
(416) 364-7311 (Tel)
(416) 361-1398 (Fax)
Canadian Agents For Applicants

Dated: March 18, 2005

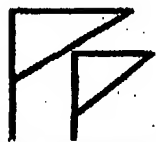
EXHIBIT A

RECEIVED

FEB 23 2004

Bereskin & Parr

EXHIBIT A



PASSAT

401 Magnetic Drive, Unit 43, North York, Ontario, Canada M3J 3H9

Tel.: (416) 661-9633 • Fax: (866) 422-0959

E-mail: info@passatitd.com

FAX

To: Allan Tameshtit

Firm: Bereskin & Parr

Fax: (416) 361 1398

RE: 13592-2

Number of pages including this page: 2

Date/Time: Feb.20, 04

Dear Allan,

Please see our fax attached. We add figure 6B.

Sincerely,
Guerman



PASSAT

401 Magnetic Drive, Unit 43, North York, Ontario, Canada M3J 3H9

Tel.: (416) 661-9633 • Fax: (866) 422-0959

E-mail: info@passatltd.com

FAX

To: Allan Tameshtit

Date/Time: Feb. 27, 04

Firm: Bereskin&Parr

Fax: (416) 361-1398

RE: Signature

Number of pages including this page: 2

Dear Allan,

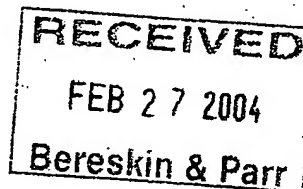
We are sending the declaration.

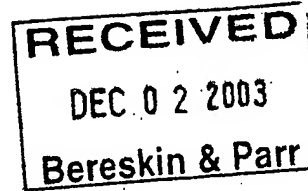
Sincerely,

Guerman

Larissa

Two handwritten signatures. The first is a stylized signature for 'Guerman' and the second is a signature for 'Larissa'.





PASSAT

401 Magnetic Drive, Unit 43, North York, Ontario, Canada M3J 3H9

Tel.: (416) 661-9633 • Fax: (866) 422-0959

E-mail: info@passatltd.com

FAX

To: Allan Tameshtit

Firm: Bereskin&Parr

Fax: (416) 361 1398

RE:

Number of pages including this page: 2

Date/Time: Dec. 2, 03

Dear Allan,

Please see our fax attached.

Sincerely,
Guerman

*Figures 1-5 are the same as in your
email of 8 Sept. 2003.*

EXHIBIT B



Bereskin & Parr

INTELLECTUAL PROPERTY LAW

Invoice

Passat, Inc.
Attn: Guerman Pasmanik
401 Magnetic Drive
Unit 43
Toronto, Ontario M3J 3H9

Scotia Plaza, 40 King Street West, 40th Floor,
Toronto, Ontario, Canada M5H 3Y2
Tel: 416.364.7311 Fax: 416.361.1398
GST REG. #R126168095

May 19, 2004

Page 1

INVOICE # 580333 ✓

RE: 13592-2

US P SYSTEM AND METHOD FOR VIEWING MICRO-MARKINGS ON JEWELRY AND
OTHER OBJECTS

YOUR REFERENCE GP

SERVICES

Date	Description
02 Dec 03	Drafting Patent Application
03 Dec 03	Drafting Patent Application, including reviewing/checking, incorporating inventor comments, preparing figures, re-calculating correct focal length, writing new claims and emailing inventor draft of application (including figures)
09 Dec 03	Drafting Patent Application, examining email sent to me by inventor
05 Jan 04	Drafting Patent Application: reviewing, sending email to client
06 Jan 04	Drafting Patent Application, including adding description and claims
07 Jan 04	Drafting Patent Application, including meeting with clients
12 Jan 04	Drafting Patent Application, including modifying claims, adding specification and preparing figures
13 Jan 04	Drafting Patent Application, and sending draft to client

Please quote invoice number with payment.



Bereskin & Parr
INTELLECTUAL PROPERTY LAW

Invoice

Passat, Inc.
Attn: Guerman Pasmanik
401 Magnetic Drive
Unit 43
Toronto, Ontario M3J 3H9

Scotia Plaza, 40 King Street West, 40th Floor,
Toronto, Ontario, Canada M5H 3Y2
Tel: 416.364.7311 Fax: 416.361.1398
GST REG. #R126168095

July 12, 2004

Page 1

INVOICE # 585382

RE: 13592-3

CA P SYSTEM AND METHOD FOR VIEWING MICRO-MARKINGS ON JEWELRY AND
OTHER OBJECTS

YOUR REFERENCE GP

SERVICES

Date	Description
13 May 04	Preparing and arranging for the execution of an assignment

FEES

\$

GST TAX ON FEES/DISBURSEMENTS

TOTAL BALANCE DUE IN CANADIAN FUNDS

\$

DIRECT WIRE PAYMENTS CAN BE MADE TO: TD CANADA TRUST, 55 KING STREET WEST, TORONTO, ONTARIO
CANADA M5H 1A2. CREDIT TO BERESKIN & PARR A/C NO. 0004-01025-00680-0349901 BANK SWIFT: TDOMCATTOR

INTEREST WILL BE CHARGED ON INVOICES UNPAID AFTER 30 DAYS OF THE INVOICE DATE

Please quote invoice number with payment.

www.bereskinparr.com

Invoice

Passat, Inc.
Attn: Guerman Pasmanik
401 Magnetic Drive
Unit 43
Toronto, Ontario M3J 3H9

Scotia Plaza, 40 King Street West, 40th Floor,
Toronto, Ontario, Canada M5H 3Y2
Tel: 416.364.7311 Fax: 416.361.1398
GST REG. #R126168095

May 19, 2004

Page 1

INVOICE # 580335 ✓

RE: 13592-3
CA P SYSTEM AND METHOD FOR VIEWING MICRO-MARKINGS ON JEWELRY AND
OTHER OBJECTS

YOUR REFERENCE GP

SERVICES

Date	Description
03 Mar 04	Preparing and filing Canadian Patent Application

FEES

\$

TAXABLE DISBURSEMENTS

Copy Charges
Delivery Charges

\$

\$

Total Taxable Disbursements

\$

NON-TAXABLE DISBURSEMENTS

Patent Office
Total Non-Taxable Disbursements

\$

\$

GST TAX ON FEES/DISBURSEMENTS

\$

TOTAL BALANCE DUE IN CANADIAN FUNDS

\$

DIRECT WIRE PAYMENTS CAN BE MADE TO: TD CANADA TRUST, 55 KING STREET WEST, TORONTO, ONTARIO
CANADA M5H 1A2. CREDIT TO BERESKIN & PARR A/C NO. 0004-01025-00680-0349901 BANK SWIFT: TDOMCATTOR

INTEREST WILL BE CHARGED ON INVOICES UNPAID AFTER 30 DAYS OF THE INVOICE DATE
Please quote invoice number when making payment.

EXHIBIT C

Patent Application Data Sheet**Application Information**

Application Type:: Regular

Subject Matter:: Utility

Suggested

Classification::

Suggested Group Art

Unit::

CD-ROM or CD-R?::

Number of CD disks::

Number of copies of CDs::

Sequence submission?::

Computer Readable

Form (CRF)?::

Number of copies of CRF::

Title:: SYSTEM AND METHOD FOR VIEWING MICRO-MARKINGS ON JEWELRY AND OTHER OBJECTS

Attorney Docket Number:: 13592-2

Request for Early

Publication?:: No

Request for Non-Publication?:: No

Suggested Drawing Figure:: 4

Total Drawing Sheets:: 8

Small Entity?:: No

Latin Name::

Variety denomination
name::

Petition included?:: No

Petition Type::

Licensed US Govt.

Agency::

Contract or Grant

Numbers::

Secrecy Order in

Parent Appl.?:: No

Applicant Information

Inventor Authority Type:: Inventor

Primary Citizenship

Country:: Canadian

Status:: Full Capacity

Given Name:: Guerman

Middle Name:: Aronovich

Family Name:: Pasmanik

Name Suffix::

City of Residence:: Toronto

State or Prov. Of

Residence:: Ontario

Country of Residence:: Canada

Street of mailing address:: 1875 Steeles Avenue West, Apt. 429

City of mailing address:: Toronto

State or Province of

mailing address:: Ontario

Country of mailing address:: Canada

Postal or Zip Code of
mailing address:: M3H 5T7

Primary Citizenship

Country:: Russia
Status:: Full Capacity

Given Name:: Larissa
Middle Name:: Rudolfovna
Family Name:: Tiour
Name Suffix::
City of Residence:: Thornhill
State or Prov. Of
Residence:: Ontario
Country of Residence:: Canada
Street of mailing address:: 71 Hord Crescent
City of mailing address:: Thornhill
State or Province of
mailing address:: Ontario
Country of mailing address:: Canada
Postal or Zip Code of
mailing address:: L4J 3A5

Correspondence Information

Correspondence Customer

Number:: 001059
Phone Number:: 416.364.7311.416.957.1603

Fax Number::

(416) 361-1398

E-Mail Address::

torsi@bereskinparr.com

Representative Information

Representative Customer Number::	001059
--	--------

EXHIBIT D

Confirmation Report—Memory Send

Time : Jul-31-2003 12:22
 Tel line 1 : 416
 Tel line 2 : 416
 Name : BERESKIN & PARR

Job number : 121
 Date : Jul-31 12:20
 To : 9-4166610996
 Document Pages : 002
 Start time : Jul-31 12:20
 End time : Jul-31 12:22
 Pages sent : 002
 Status : OK

Job number : 121

*** SEND SUCCESSFUL ***

Bereskin & Parr



Scotia Plaza, 40 King Street West, 40th Floor
 Toronto, Ontario, Canada M5H 3Y2
 T: 416 364 7311 F: 416 361 1396

TELEFAX TRANSMITTAL

TO: Guerman Pasmanik
 FIRM: Passat, Inc.
 FAX NO.: 416-661-0996
 FROM: Allan Tameshtit
 DATE: July 31, 2003

PAGES: 2
 (Including cover sheet)

File No.: 13592-1
 Lawyer No.: 285

If transmission is interrupted or of poor quality, please notify us immediately by calling Cheri Chesworth at (416) 364-7311, ext. 6296

COMMENTS:

Dear Mr. Pasmanik:

As per your telephone conversation earlier this morning with Allan Tameshtit, please find following a retainer letter (invoice #13592-1). A confirmation copy will follow by mail. (Please ignore the previous fax as the retainer letter didn't print on letterhead. Sorry for any inconvenience.)

Please do not hesitate to contact me if you have any questions or comments.

Best regards,

Cheri Chesworth

Cheri Chesworth
 Assistant to Allan Tameshtit

CONFIDENTIAL

This communication may contain information that is privileged or confidential and is intended only for the use of the individual to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

Confirmation Report - Memory Send

Time : Aug-01-2003 11:13
Tel line : 416-361-1398
Name : BERESKIN & PARR

Job number : 078
Date : Aug-01 11:11
To : 9-4166610996
Document pages : 002
Start time : Aug-01 11:11
End time : Aug-01 11:13
Pages sent : 002
Status : OK

Job number : 078

*** SEND SUCCESSFUL ***

Bereskin & Parr

Scoti's Plaza, 40 King Street West, 40th Floor
Toronto, Ontario, Canada M5H 3Y2
t: 416 364 7311 f: 416 361 1398

TELEFAX TRANSMITTAL

TO: Guerman Pasmanik
FIRM: Passat, Inc.
FAX NO.: 416-661-0996
FROM: Allan Tameshtit
DATE: August 1, 2003 PAGES: 2
(Including cover sheet)

File No.: 13592-1
Lawyer No.: 285

If transmission is interrupted or of poor quality, please notify us immediately by calling Cheri Chesworth at (416) 364-7311, ext. 6296

COMMENTS:

Dear Mr. Pasmanik:

As per your telephone conversation earlier this morning with Allan Tameshtit, please find following a retainer letter (Invoice #13592-1) in U.S. dollars. A confirmation copy will follow by mail.

Please do not hesitate to contact Allan Tameshtit if you have any questions or comments.

Best regards,

Cheri Chesworth

Cheri Chesworth
Assistant to Allan Tameshtit

CONFIDENTIAL

This communication may contain information that is privileged or confidential and is intended only for the use of the individual to whom it is addressed. Any other distribution, copying or disclosure is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

EXHIBIT E

NEW CLIENT & NON CLIENT
NAME & ADDRESS INFORMATION

TYPE (Select one)

☒ CLIENT☐ NON-CLIENT☐ ADDITIONAL MAILING ADDRESS

ACTION(S)

☒ OPEN NEW CLIENT/NON-CLIENT ADDRESS☐ ADD NEW ATTENTION NAME☐ CHANGE EXISTING ATTENTION NAME

CONFLICT SEARCH INFORMATION

Word(s) to be searched PASSAT INC. / Guerman
PasmanikLV Search ID# 107565 / 107566

CLIENT INFORMATION

Client No./Non-Client Code 13592Client/Non-Client Name PASSAT INC.

Full Name _____

BILLING ADDRESS CODE A

Address Reference _____

Billing Attention Name Guerman PasmanikAddress 401 Magnetic Drive
Unit 435City TorontoProv./State/Other OntarioCountry CanadaPostal/Zip Code M3J 3H9Phone No. 416-661-9633Client Fax No. 416-661-0996

Client Internet Info _____

Partner Responsible No. 006Partner Responsible Name HRHBilling Lawyer 006

Bill Format 1 (Default) or _____

Client Type

- ☒
- Direct Client
-
- ☐
- Agency Client
-
- ☐
- Law Firm

Practice Type

- ☐
- Patent
-
- ☐
- Trade Mark
-
- ☐
- Design
-
- ☐
- Copyright
-
- ☐
- Litigation
-
- ☒
- General

Practice Group Code

- ☐
- Trade Mark
-
- ☒
- Patent General
-
- ☐
- Patent Biotech
-
- ☐
- Patent Computer & Electrical
-
- ☐
- Litigation
-
- ☐
- Copyright & New Media

Retainer Required (form letters)

- ☒
- YES
-
- ☐
- NO

Fee Schedule (for AC or LF clients only)

☐ YES ☒ NO

If YES check one

☐ MP - Managing Partner☐ PTM - Patent & Trademark Department

Taxable

☒ YES ☐ NO

Interest

☒ YES ☐ NO

Monthly Statement

☒ YES ☐ NO

Credit Category

☐ A (Foreign Agents)☐ B (Credit Worthy)☒ C (All other Clients) Credit Limit for C ☒ \$1,000 or _____

EXHIBIT F

From: "Guerman Pasmanik" <guerman@passatltd.com>
To: "Allan Tameshtit" <atameshtit@bereskinparr.com>
Date: 8/11/03 5:41pm
Subject: Answer

Hi Allan,

Passat Ltd. has 7 employees.

Sincerely,

Guerman.

Passat Ltd.
401 Magnetic Dr., Unit 43
Toronto, Ontario
M3J 3H9 Canada
Tel.: (416) 661-9633
Fax: (416) 661-0996
E-mail: info@passatltd.com

The information contained in this electronic message (including attached files) is confidential information intended only for the use of the individual or entity named in the body of the original message.
If you have received this communication in error, please immediately notify us by telephone or fax
and return the original message to us via e-mail.

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.